

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SIMON D. ANDRIESZ,

Petitioner,

For an Order Pursuant to 9 U.S.C.A. § 1 *et seq.* and CPLR § 7551 Vacating or Amending an Arbitration Award

-against-

BGC FINANCIAL, L.P.,

Respondent.

Case No. 1:24-cv-07004-LJL

Hon. Lewis J. Liman

**DECLARATION OF NIRAV S.
SHAH IN SUPPORT OF
RESPONDENT'S PROPOSED SUR-
REPLY IN OPPOSITION TO
PETITION AND MOTION TO
VACATE OR MODIFY**

I, Nirav S. Shah, do hereby declare and state as follows:

1. I am an attorney admitted to practice in the State of New York and in the Southern District of New York. I currently serve as a Senior Managing Director and Co-Head of Litigation for Cantor Fitzgerald and its affiliated companies, including Respondent BGC Financial, L.P. (“BGC,” or “Respondent”).

2. I submit this Declaration in support of Respondent’s proposed sur-reply in opposition to Petitioner Simon D. Andriesz’s (“Petitioner,” or “Andriesz,” and, together with BGC, the “Parties”) petition (the “Petition,” *see* ECF No. 9) and corresponding motion to vacate or modify (the “Motion,” *see* ECF No. 4) the award (“Award”) from the recent FINRA arbitration, FINRA Matter No. 22-02539 (the “Arbitration”), between the Parties.

3. I served as lead arbitration counsel for BGC in the Arbitration, as well as the prior arbitration brought by Petitioner against BGC.

4. Attached hereto as **Exhibit 1** is a true and correct copy of Page 1 of the current “Documents” tab on the FINRA DR Portal (the “Portal”) for the Arbitration, which lists information including the case status, the date the Award was served on the Parties, and all documents filed on the Portal in the Arbitration since March 7, 2024, along with the date each document was filed and the identity of the filer.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the June 17, 2024 Award and Award service letter, as downloaded together in a single file from the Portal.

6. Attached hereto as **Exhibit 3** is an email chain and attachment dated June 17, 2024 between myself and Olin Williams, Virginia Cardenas, Sid Nadkarni, and Allison Kelley (all of whom work with me in the Litigation group at Cantor Fitzgerald) regarding an email I received from the Portal on June 17, 2024 at 12:45 PM alerting me that FINRA had posted the Award on the Portal.

7. Attached hereto as **Exhibit 4** is a true and correct copy of an email and attachment I sent Petitioner’s counsel, Neal Brickman and Ethan Leonard, cc’ing Ms. Cardenas and Mr. Nadkarni, on June 18, 2024 at 11:30 AM, in which I attached a copy of the Award.

8. Attached hereto as **Exhibit 5** is a true and correct copy of an email from Mr. Brickman to Mr. Leonard and me, cc’ing Ms. Cardenas and Mr. Nadkarni, on June 18, 2024 at 1:08 PM, in response to the email attached as the prior exhibit.

Having reviewed this Declaration, I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: December 31, 2024
New York, New York

/s/ Nirav S. Shah
Nirav S. Shah

Attorney for Respondent BGC Financial, L.P.